

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SHEDRICK LEE,

Petitioner,

v.

CASE NO. 07-CV-14392  
HONORABLE PATRICK J. DUGGAN

CARMEN PALMER,

Respondent.

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**ORDER DENYING PETITIONER'S SECOND MOTION  
FOR APPOINTMENT OF COUNSEL**

At a session of said Court, held in the U.S. District  
Courthouse, City of Detroit, County of Wayne,  
State of Michigan on May 8, 2008

PRESENT: HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

This matter is before the Court on Petitioner's second motion for appointment of counsel. In support of his request, Petitioner alleges that he is unable to afford counsel, that he is uneducated in the law, and that his legal assistance agreement with a fellow prisoner has expired. Petitioner has filed his habeas petition and Respondent has recently filed an answer to the petition. The Court has granted Petitioner's request for an additional 90 days to file a reply to that answer.

Petitioner has no absolute right to be represented by counsel on federal habeas

corpus review. *See Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995). “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)). As noted, Petitioner has submitted his petition in support of his claims and the Court has given Petitioner an additional 90 days in which to file a reply to Respondent’s answer to the petition. Neither an evidentiary hearing nor discovery are necessary at this time, and the interests of justice do not require appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8(c).

Accordingly, the Court **DENIES** Petitioner’s second motion for appointment of counsel. The Court will bear in mind Petitioner’s request if, upon further review of the pleadings, the Court determines that appointment of counsel is necessary. Petitioner need not file an additional motion concerning this issue.

**SO ORDERED.**

s/Patrick J. Duggan  
Patrick J. Duggan  
United States District Judge

Dated: May 8, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 8, 2008, by electronic and/or ordinary mail.(Shedrick Lee #372540, 777 W. Riverside Dr., Ionia MI 48846, John Pallas, A.A.G.)

s/Marilyn Orem  
Case Manager